REMARKS

Claims 1-3, 5-10, 13, 15 and 19-23 are pending in this application. All claims have been rejected. These reasons for rejection are respectively traversed. Claim 4 has been cancelled

Objections

Claims 19-22 have been rejected under 35 U.S.C. 102(e) as being anticipated by D'Alessandro (US 2003/0061141). The reason for the rejection of claims 19-22 is respectfully traversed.

The Claim Rejection states that D'Alessandro "discloses a survey method capable of capturing and summarizing inputs from a questionnaire such that each survey originator is able to see the results not only for their own entity, but also for a plurality of entities, typically in the same industry". With state-of-the-art questionnaire methodologies, this is not possible however, as to do so requires that the results be manually summarised and/or interpreted before being combined with like results, as would be necessary when investigating the results for an entire industry. In D'Alessandro's method this is neither disclosed per se, nor does the method allow for such a summary to be performed, as, like state-of-the art questionnaires, the results need to be processed before being able to be summarised with other entities in any meaningful way, which is out of the scope of the method (see P.5, [0050]). In fact D'Alessandro only mentions benchmarking in reference to the fact that "Accurate survey data, based on behavioural follow-up questions, can be used to compare or benchmark organizations within and among industries" (see P. 5, [0048]), which is true and a statement of fact, but does not describe a methodology of how his invention could be implemented to achieve this, as it is not possible. In contrast, with The Dynamic Questionnaire Engine, the current invention as submitted in the Patent Application is able (due to its repeatability) to perform the necessary processing and calculating "on the fly" so that all inputs from different entities for a single industry can be immediately summarised. This is discussed in the Patent Application in the section "Brief Summary of the Invention" – paragraphs 17 and 20.

The Claim Rejection also states that D'Alessandro discloses assigning points to both rational and behavioural questions, adding the scores and comparing the results. This is normal practice in state-of-the-art questionnaires. Such questionnaires, however, do not allow the individual emotional responses and rational responses of a single questionnaire to be recorded separately, in order to make a comparison, as the technology and techniques to do so have not been available. D' Alessandro's method is typical and assigns values to respondents' responses and collects them in a database (See P.5, [0050]) for later analysis. The rational response is used purely and only as a weighting for the emotional response (See P.5, [0048]), meaning that these two components of the survey are combined at source and are not, nor can they be, summarised individually to compare the individual responses. It is not possible to summarise these two inputs separately because they are directly linked to one another and therefore have no meaning on their own. D'Alessandro's method is therefore not able to summarise emotional responses and rational responses separately. The current invention is able to perform this function, however, using the unique algorithms associated with the Dynamic Questionnaire Engine technology. This is discussed in the Patent Application in the section "Background of the Invention" – paragraphs 15, 16, 17 and 18. This methodology and technique would be neither known, possible, available nor obvious to one of ordinary skill in the art at the time of invention. Therefore, D'Alessandro is *not* able to discuss assigning points to *both* rational and behavioural questions, *adding* the scores and *comparing* the results, as stated in the Claim Rejection.

Claims 1, 4 and 7 have been rejected under 35 U.S.C. 103(a) as being unpatentable by Morrel-Samuels (US 5,795,155) in view of D'Alessandro (US 2003/0061141). The reason for the rejection of claims 1 and 7 is respectfully traversed.

The rejection states that "Morrel discloses a system and method which is characterised by asking the respondents to answer two sets of questions (e.g. parts 14 and 16), with both sets of

questions being based on similar statements, but posed differently." However, part 14 of Morrel's invention consists of "cards" of statements, which the respondent has to subdivide into three groups and then give a value to each of those statements in two of those groups (see Col.5 7-25). Part 16 of Morrel's invention consist of questions to verify the accuracy of the respondents' perceptions (such as length of time it actually took to complete part 14). As such, the second set of questions bear no relevance to the first set of questions whatsoever so that both sets of questions are not "based on similar statements" (see part 14, Col.4 63-67 and element 52 in Fig 1H).

Also, Claim 1 of the Patent Application specifically references that the first set of questions are answered emotionally, the results of which determine the questions being asked in the second section (dynamically) which are then answered rationally. Morrel's second set of questions use a state-of-the-art technique to attempt to verify the accuracy of the first set of questions and are not linked to the first set of questions, nor are they posed in such a way to get an emotional response nor are they posed to get a rational response. These claims are therefore not anticipated by Morrel and furthermore, there is no possibility for one of ordinary skill in the art at the time of the invention to modify Morrel's invention accordingly

Also the Claim rejection states that "Morrel further includes a number of validation measures in his invention, wherein the questions are directed toward the same domain to increase the reliability of the survey." The stated validation method, however, works as do other state-of-the-art questionnaires by increasing the quantity of questions per domain to increase the reliability (See Col.4, 36-38), which burdens the interviewee and is an inherent problem of state of the art questionnaires. This problem is discussed and addressed in the Patent Application (see Brief Summary of the Invention – paragraph 19) and is solved by using the application of the Dynamic Questionnaire Engine, as defined in the current invention.

Also the Claim rejection states that a combination of Morrel's and D'Alessandro's methods would provide a "system with high accuracy response system". The very nature of these two

methods, however, means they *can not* be combined in a meaningful way, and this would be obvious to someone having ordinary skill in the art. As discussed in the Patent Appplication (paragraph 17), however, in order to achieve a "system with high accuracy response system" requires a comparison of the responses to both emotional and rational questions, which are based on similar sets of questions. Neither Morrel's nor D'Alessandro's system compare the results of questions based on two sets of similar statements: Morrels system has two independent groupings performing two independent functions (ranking and validation) and D'Alessandro *combines* two responses (emotional and weighting) -see P.5, [0048]) prior to storing the results (see P.5, [0050]) so that no meaningful comparison can be made. In conclusion Morrel doesn't define a method where two sets of statements are based on similar questions and D'Alessandro doesn't show a method where the emotional and rational questions can be separated and assessed individually, as such techniques are not state-of-the-art nor could they be used in any meaningful way. This problem is addressed by the current invention and discussed in the Patent Applications (See "Brief Summary of the Invention" paragraph 17).

In formulating the response to the Claim Rejection, in light of D'Alessandro, the author recognises that it may have been obvious at the time of the invention, that simple questions able to be answered quickly are answered emotionally and therefore withdraws Claim 4.

Claims 2,3,5, 8-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable by Morrel-Samuels (US 5,795,155) in view of D'Alessandro (US 2003/0061141). The reason for the rejection of claims 2,3,5, 8-10 is respectfully traversed.

The Claim Rejection regarding claim 2 states that Morrel subdivides the questions so that the statements "are equally distributed in number amongst the groups". Morrel's method does not require that the statements be equally distributed, nor does it describe the need for the statements to be equally distributed. In fact, in Morrel's own example sections 1 through to 4

(see Fig.1A through to 1D) consist of 11 statements, whereas sections 5 through to 7 (see Fig. 1E through to 1G) consist of 9 statements. The Dynamic Questionnaire Engine as used in the current invention and summarised in the Patent Application uses a technique whereby the statements must be equally distributed in number amongst the groups (ee paragraph 38 under "Detailed Description Of And The Best Mode Of Carrying Out The Invention")

In addition, the Claim Rejection regarding claim 3 of the current invention states that Morrel "discloses two sets of said similar statements in which both sets of statements contain sentences with the same meaning, but using different words". However Morrel's method does not require this, nor does it state this: firstly, Morrel discloses a single set of questions (a "section") which "may" include "a (single) summary statement" to test the "reliability" of the answers in that section; secondly this summary question does not bear any similarity to the other questions in the section (see Col. 4, 50-56). As such, the requirement of the Dynamic Questionnaire Engine used in the current invention where two sets of questions are required is neither specified, nor is it required by Morrel's method. In addition the claim of the current invention that the first set be answered emotionally and the second set rationally is not addressed by Morrel nor is it possible to integrate state-of-the-art techniques, such as the methodology of D'Alessandro to enable this, for the reasons stated previously.

In addition, the Claim Rejection regarding claim 5 of the current invention states that Morrel "discloses a second set of questions in which the said questions group together a number of statements from the second set of statements", however the claim states "A method according to claim 1 of defining a second set of said questions in which the said questions dynamically group together a number of statements from the said second set of statements at the time of questionnaire.". Morrel defines a second set of questions to verify the accuracy of the questions in the first set (see Col. 4, 63- Col. 5,6). This is a state-of-the-art methodology at the time of the current invention. However these questions are neither generated dynamically (ie depending on the answers to the first set of questions) nor are they defined at the time of

questionnaire fulfilment (they are pre-defined at the time of questionnaire definition) as such methods and techniques were not available at the time of the current invention.

In addition, the Claim Rejection regarding claims 8 and 9 of the current invention states that D'Alessandro discloses calculating weighted score based on the responses to both emotional and rational questions and their consistency". At the time of the current invention the "weighted score" of a response was never, nor could it be, *calculated*, as the methodology didn't exist, nor could one having ordinary skill in the state-of-the-art think that it were possible. Even for D'Alessandro's method, the weighted score is the direct result of the answer to a question which generates the necessary "quantified response" (See Fig 3 and P. 4, [0043]) it is *not* calculated and is therefore not devoid of human emotion as discussed in the Patent Application (See "background of the invention" paragraph 15 and 16). In addition, D'Alessandro states that "each question has both a yes/no and weighted score component" (See P. 5, [0048]) which also verifies that the resulting value is not calculated.

In addition, the Claim Rejection regarding claim 10 of the current invention states that "D'Alessandro further discloses comparing the responses from the respondent or plurality of respondents in which the closeness of match of both sets of responses is quantifiably measured". This is not feasible with state-of-the-art questionnaire methods, as no methodology has two sets of questions which can be compared at the time of the questionnaire, as to do so would make no sense statistically. This is discussed in the current Paten Application in section "Background Of The Invention" paragraph 15. In recognition of this fact, no-one having ordinary skill in the art would consider performing such a comparison. (For statistical reasons all responses need to be collected and summarised in order to draw conclusions). D'Alessandro's method does not yield two sets of responses which can be compared. His method in fact "gathers and assembles" the raw data, which represents all answers to all questions (which have been pre-"weighted" based on the answer to a corresponding question) from all responses and displays them in a number of ways (See

P. 5, [0048] [0050]-[0052]) in order to make a comparison and draw a conclusion (see Fig 5). It does not, however, have two components (two sets of responses) to compare and evaluate at both the individual level and at the collective level as with the Dynamic Questionnaire Engine in the current invention.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable by Morrel-Samuels (US 5,795,155) in view of Nanos et al. (US 2001/0052122). The reason for the rejection of claim 6 is respectfully traversed.

The Claim Rejection regarding claim 6 of the current invention states that Morrel's method "discloses wherein the second statement groupings depend upon the answer to the first set of questions". At the time of the current invention no state-of-the-art questionnaire methodology grouped (or formulated) a second set of questions depending on answers to the first set of questions. Traditional methods could choose a set of questions dependent on the answers to a previous question or questions (see "Background Of The Invention" paragraph10 of the Patent Application for the current invention), but no follow up questions could be individually defined based on the answers to the first set of questions. Even Morrel's methodology hard wires its second set of questions to the first set: Figure 3 clearly shows that a first set of responses is gathered to the first set of questions and then a second set of responses is gathered to a second set, which is intended to evaluate the validity of the first set. This second set of questions is pre-defined and neither linked to nor dependent on the first set in any way. (See Col. 6, 54-56). In addition, the Claim Rejection regarding Claim 6 goes on to state "Nanos discloses an automated survey kiosk, wherein the questions can be altered from a remote location while the participant is taking the survey". Such a system is discussed in the Patent Application under "Background Of The Invention" paragraph 9. At the time of the current invention, no professional body or individual would have the time to continually monitor questionnaire inputs as they were inputted. This is neither a productive use of an

individual's time nor does it give better results than traditional state-of-the-art methods, which would justify such a large investment in time and money. In fact even Nanos only states that the survey could be modified "during the survey period". This makes sense, especially for a kiosk survey approach, to look at results achieved from the kiosk after a fixed time period, to see if the responses were meeting the expectation and to adjust the survey accordingly. Such adjustments are typically the look and feel of the survey, the flow of the questions and the type of questions (see Page 6 [0093]). What does not make sense, however, is dynamically altering questions whilst the questionnaire is being completed, as to do so for a traditional state-of-the-art questionnaire invalidates any statistical analysis which would subsequently be performed on the results of the questionnaire. Even Nanos therefore, does not disclose a method for dynamically altering questions whilst the questionnaire is being completed, but instead enables a survey to be altered during the survey period, should such alterations (such as languages or graphics) make sense. As such, no-one of ordinary skill would conceive the idea of dynamically altering the questions within a state-of-the-art questionnaire even if they had been exposed to Nanos' invention.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Morrel-Samuels (US 5,795,155) in view of Brookler et al. (US 2002/0007303). The reason for the rejection of claims 13 and 15 is respectfully traversed.

The Claim Rejection regarding claim 13 of the current invention cites Brookler, which indeed shows the standard flow of a state-of-the-art questionnaire survey using an input system together with storage and processing (analysis) features. Such a system is discussed in the Patent Application under "Background Of The Invention" paragraphs 8 -10. What such a system does not include, however, is a feature to dynamically alter the second set of questions in the processing unit based on the answers to a first set of questions, and to then output these to the display terminal for completion by the respondent. The Claim Rejection cites "Element

72" of Fig. 4) to perform this function in the Brookler invention. However, Element 72 is just a flag, to tell the system that the last question has been reached, which is normal for state of the art remote questionnaire solutions. In addition, the Claim Rejection states that Brookler discloses the ability to show a " summary of the respondent's results (which) can be presented to the respondent in both textual and graphical formats on the said display device ". Firstly, state-of-the-art questionnaire surveys can not present their results immediately to the respondent on completion of the survey. The reason for this is because statistically it has no meaning and makes no sense. No-one or ordinary skill in the art would therefore want to do this. Secondly, Brookler actually doesn't present the respondent's results to the respondent, but takes the respondent back to the place they came from prior to taking the survey (standard practice) either directly or via a "incentive/call to action" screen (see P.4 [0061] and Fig. 4 Elements 74, 76, 78 and 80). As such the Claim Rejection has no basis.

Also, the Claim Rejection regarding claim 15 of the current invention cites Morrel which gives "the respondents immediate feedback in which a textual and/or graphical summary of their input is shown immediately on the device following their completion of the survey". However, state-of-the-art questionnaire surveys cannot present their results immediately to the respondent on completion of the survey. The reason for this is because statistically it has no meaning and makes no sense. No-one or ordinary skill in the art would therefore want to do this. In the case of Morrel, inputs are taken and then analysed, which includes verifying the inputs, comparing the results to a standardized set of responses and then identifying any non-standard characteristics (see Fig 3, Elements 104, 106 1and 108; Col 6 61-67, Col 7 1-22). As such, results can only be displayed when compared to "standardized responses of a business or any division" (Col 7 11). Morrel's method therefore does not allow or have the provision for the results being displayed to the respondent on the display device immediately following completion of the survey, as is normal for a state of the art questionnaire survey. As such the Claim Rejection has no basis.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable by D'Alessandro (US 2003/0061141). The reason for the rejection of claim 23 is respectfully traversed.

The Claim Rejection regarding claim 23 of the current invention references D'Alessandro's method to generate the necessary data to present an output for "results for satisfaction and level of conviction" for both a single entity as well as the results of a plurality of entities, thereby allowing an immediate benchmarking. However as we have seen above, D'Alessandro does not allow individual companies results and weighting factors to be recorded separately and in such a way, so that the results can be summarised to give a result for an entire industry. In fact the weighting factor (the level of conviction) is not recorded at all, but lost in the dataset which can not then be combined with the results from other industries. D'Alessandro's methodology does not lend itself well for benchmarking purposes for this very reason: In fact D'Alessandro only mentions benchmarking in reference to the fact that "Accurate survey data, based on behavioural follow-up questions, can be used to compare or benchmark organizations within and among industries", which is true and a statement of fact, but does not describe a methodology of how his invention could be implemented to achieve this. As such, this Claim Rejection has no basis.

Conclusion

For all the reasons, it is respectfully submitted that the present application, including the amendments set forth above and the additional materials submitted herewith, is now in a condition to be allowed. Notice to this effect is earnestly solicited.

Respectfully submitted,

Martin Gosling